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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,289	04/21/2004	Yuji Handa	0038-0434PUS1	4792
2292 7590 05/16/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER DEBNATH, SUMAN	
			ART UNIT 2135	PAPER NUMBER
			NOTIFICATION DATE 05/16/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/828,289	Applicant(s) HANDA ET AL.	
	Examiner Suman Debnath	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/11/2006 & 04/21/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 are pending in this application.
2. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Claim Objections

3. Claim 6 is objected to for lack of antecedent basis:

Claim 1 recites "the optical disk" in line 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by

Asano et al. (Pub. No.: US 2002/0154779 A1), hereinafter "Asano".

6. As to claim 1, Asano disclosed a data recording apparatus (abstract), comprising: means for storing data ([0020], [0178], [0333]); means for encrypting data on the basis of a password determined by a user ([0010], [0044], "...encryption key created based on the user's individual information such as an input password"); means for writing data in a recording medium ([0020], [0178], [0347]); means for controlling said storing means, said encrypting means and said writing means (FIG. 3, [0166], [0175], [0194]); wherein said control means stores data, which are sent from outside of said apparatus, in said storing means (FIG. 3, [0166], [0175], [0194]), encrypts the data stored in said storing means and/or data of a system area of the recording medium ([0177], [0179], [0190]), which are used for recognizing the recording medium, by said encrypting means, on the basis of the password so as to make the encrypted data and/or the encrypted system area data ([0010], [0044]), writes the encrypted data and/or the encrypted system area data in the recording medium by said writing means ([0177], [0179], [0190]), and writes an identification datum, which identifies that the data written in the recording medium are encrypted, in the recording medium by said writing means ([0186], "...encryption flags indicating the existence of encryption", see also, [0209], [0165], [0206]).

7. As to claim 3, wherein said recording medium is an optical disk ([0181]).
8. As to claim 4, wherein said optical disk is a CD-R or a CD-RW ([0632]-[0633], [0163]), and the identification datum is written in an RID area ([0186], [0209], [0165], [0206]).
9. As to claim 5, Asano discloses a method of identifying data written in a recording medium (abstract), comprising the steps of: reading data, which are written in a recording medium by a data recording apparatus ([0020], [0178], [0333]), in which the data are stored in storing means ([0020], [0178], [0566]), the data stored in the storing means and/or data of a system area of the recording medium ([0020], [0178], [0347]), which are used for recognizing the recording medium, are encrypted on the basis of a password so as to generate the encrypted data and/or the encrypted system area data ([0010], [0044], "...encryption key created based on the user's individual information such as an input password"), the encrypted data and/or the encrypted system area data are written in the recording medium ([0177], [0179], [0190]), and an identification datum, which identifies that the data written in the recording medium are encrypted, are written in the recording medium ([0186], "...encryption flags indicating the existence of encryption"); and checking existence of the identification datum in the recording medium so as to identify if the data written in the recording medium are encrypted or not ([0186], [0209], [0165], [0206]).

10. As to claim 6, wherein the optical disk is a CD-R or a CD-RW, and the identification datum is written in an RID area ([0632]-[0633], [0163]).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asano as applied to claim 1 above, and further in view of Watanabe (Patent No.: US 6,098,055).

13. As to claim 2, Asano further discloses and said control means writes a datum in the recording medium as the identification datum ([0186], [0209], [0165], [0206]). Asano doesn't explicitly disclose wherein an ancillary password to be added to the password is previously stored in said storing means. However, Watanabe discloses wherein an ancillary password to be added to the password is previously stored in said storing means (column 10, lines 10-20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Asano as taught by Watanabe in order to prevent illegal use of the content by applying identity of the legitimate users.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying PTO 892.

- US 2003/0159037 – Recording/Reproducing with encryption processing using encryption key that obtained by using a password.
- US 5646992 A – Assembly, distribution, and use of digital information.
- US 6769087 B2 – Data storage device and method for controlling the device.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suman Debnath whose telephone number is 571 270 1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

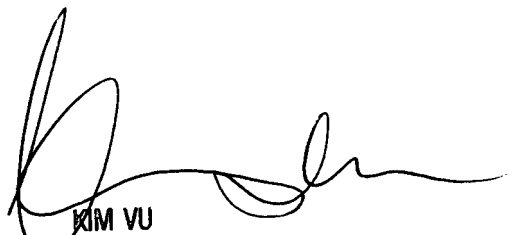
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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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